

REMARKS

The applicants have carefully considered the Office action dated March 11, 2009. Independent claims 1, 12, 14, 15, 30, and 31 were rejected under 35 U.S.C. § 102(b) as anticipated by Von Kohorn (United States Patent Number 5,759,101). By way of the foregoing amendments, claims 1, 12, 14-17, 19, 20, 30, and 31 have been amended and claims 2 and 13 have been cancelled without prejudice to their further prosecution. Claims 32 and 33 have been added. No new matter has been added. In view of the foregoing amendments and the following remarks, the Applicants respectfully traverse the rejections and submit that all claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested.

Independent Claim 1

Independent claim 1 recites a method including generating a survey template to include a first value indicative of a first number of program content questions to be asked of a user and a second value indicative of a second number of advertising content questions to be asked of the user. Further, claim 1 recites selecting a first subset of a first set of trivia questions associated with a program to be included in the survey, wherein the first subset is substantially equal in number to the first value of the survey template. Further, claim 1 recites selecting a second subset of a second set of trivia questions associated with an advertisement to be included in the survey, wherein the second subset is substantially equal in number to the second value of the survey template.

Von Kohorn describes providing audience members an “opportunity to respond to a situation presented in [a] television program by entering a response [to a question] on a keyboard.” (*Von Kohorn*, Abstract). In contrast to the method recited in claim 1, the system described by Von Kohorn does not generate a survey template to be used in selecting a first number of program content questions and a second number of advertising content questions.

Accordingly, the Applicants respectfully submit that Von Kohorn does not teach or suggest the method of claim 1. Accordingly, independent claim 1 and all claims dependent thereon are in condition for allowance.

Independent Claim 12

Independent claim 12 recites a method including generating a survey template to include a first value indicative of a first number of program content questions to be asked of a user and a second value indicative of a second number of advertising content questions to be asked of the user. Further, claim 12 recites using a demographic profile associated with the user to select a first subset of a first set of trivia questions associated with a program to be included in the survey, wherein the first subset is substantially equal in number to the first value of the survey template. Further, claim 12 recites using the demographic profile associated with the user to select a second subset of a second set of trivia questions associated with an advertisement to be included in the survey, wherein the second subset is substantially equal in number to the second value of the survey template.

The Office action asserts that Von Kohorn describes using a demographic profile to select trivia questions to ask a member. (*The Office action dated March 11, 2009*, page 4). However, an analysis of Von Kohorn and the portion thereof cited in support of this assertion shows that demographic profiles are not used to select trivia questions to ask a member. Rather, the system described by Von Kohorn uses demographic information to screen the respondents answering questions. That is, certain responses received are discarded if those responses were received from a person not matching a demographic profile. For example, Von Kohorn describes criteria “for admissibility of responses to the analytical procedures... such as screening out respondents who have not completed high school.” (*Von Kohorn*, column 135, lines 13-17 – as cited by the Office action at page 4). Another example set of criteria includes “age, gender, residence, children, income, education, political affiliation, hobbies, voting record, health features and others.” (*Von Kohorn*, column 135, lines 21-23 – as cited by the Office action at page 4). Notably, Von Kohorn states that these criteria are “used, both to limit respondents to the desired groups, or to identify and isolate discrete segments of the polled population for separate or subsequent polling.” (*Von Kohorn*, column 135, lines 24-27 – as cited by the Office action at page 4).

Thus, demographic information is not used in Von Kohorn to select questions, as recited in claim 12. Rather, Von Kohorn describes screening respondents based on their demographic profiles. All of the respondents answer the questions and, subsequently, the answers from any respondent not matching a demographic profile are discarded.

Therefore, the Applicants respectfully submit that Von Kohorn does not teach or suggest the method of claim 12. Moreover, the Applicants respectfully submit that Von Kohorn does not teach or suggest the method of claim 12 for at least the reason(s) described above in connection with claim 1. Accordingly, independent claim 12 and all claims dependent thereon are in condition for allowance.

Independent Claim 14

Independent claim 14 recites a method including generating a survey template to include a first value indicative of a first number of program content questions to be asked of a user and a second value indicative of a second number of advertising content questions to be asked of the user. Further, claim 14 recites selecting a first subset of a first set of trivia questions associated with a program to be included in the survey, wherein the first subset is substantially equal in number to the first value of the survey template. Further, claim 14 recites selecting a second subset of a second set of trivia questions associated with an advertisement to be included in the survey, wherein the second subset is substantially equal in number to the second value of the survey template.

For at least the reason(s) described above, the Applicants respectfully submit that Von Kohorn does not teach or suggest the method of claim 14. Accordingly, independent claim 14 and all claims dependent thereon are in condition for allowance.

Independent Claim 15

Independent claim 15 recites a method including generating a survey template to include a first value indicative of a first number of program content questions to be asked of a user and a second value indicative of a second number of placed product questions to be asked of the user. Further, claim 15 recites selecting a first subset of a first set of trivia questions associated with a program to be included in the survey, wherein the first subset is substantially equal in number to the first value of the survey template. Further, claim 15 recites selecting a second subset of a second set of trivia questions associated with a placed product to be included in the survey, wherein the second subset is substantially equal in number to the second value of the survey template.

For at least the reason(s) described above, the Applicants respectfully submit that Von Kohorn does not teach or suggest the method of claim 15. Accordingly, independent claim 15 and all claims dependent thereon are in condition for allowance.

Independent Claim 16

Independent claim 16 recites a method including generating a first value indicative of a first number of program content questions to be asked of a user and a second value indicative of a second number of advertising content questions to be asked of the user. Further, claim 16 recites selecting a first subset of a first set of trivia questions associated with a program to be included in the survey, wherein the first subset is substantially equal in number to the first value. Further, claim 16 recites selecting a second subset of a second set of trivia questions associated with an advertisement to be included in the survey, wherein the second subset is substantially equal in number to the second value.

Von Kohorn does not teach or suggest the method of claim 16. Accordingly, independent claim 16 and all claims dependent thereon are in condition for allowance.

Independent Claim 20

Independent claim 20 recites a method including generating first value indicative of a first number of program content questions to be asked of a user and a second value indicative of a second number of advertising content questions to be asked of the user. Further, claim 20 recites using the demographic profile to select a first subset of a first set of trivia questions associated with a program to be included in the survey, wherein the first subset is substantially equal in number to the first value. Further, claim 20 recites using the demographic profile to select a second subset of a second set of trivia questions associated with an advertisement to be included in the survey, wherein the second subset is substantially equal in number to the second value.

Von Kohorn does not teach or suggest the method of claim 20. Accordingly, independent claim 20 and all claims dependent thereon are in condition for allowance.

Independent Claim 30

Independent claim 30 recites a method including generating a first value indicative of a first number of program content questions to be asked of a user and a second value indicative of a second number of advertising content questions to be asked of the user. Further, claim 30 recites selecting a first subset of a first set of trivia questions associated with a program to be included in a first survey to be taken by each member of a first team, wherein the first subset is substantially equal in number to the first value. Further, claim 30

recites selecting a second subset of a second set of trivia questions associated with an advertisement to be included in a second survey to be taken by each member of a second team, wherein the second subset is substantially equal in number to the second value.

Von Kohorn does not teach or suggest the method of claim 30. Accordingly, independent claim 30 and all claims dependent thereon are in condition for allowance.

Independent Claim 31

Independent claim 31 recites a method including generating a survey template to include a first value indicative of a first number of program content questions to be asked of a user and a second value indicative of a second number of advertising content questions to be asked of the user. Further, claim 31 recites selecting a first subset of trivia questions relating to at least one of a plurality of broadcast programs from a first set of trivia questions, wherein the first subset is substantially equal in number to the first value of the survey template. Further, claim 31 recites selecting a second subset of trivia questions relating to an advertisement from a second set of trivia questions, wherein the second subset is substantially equal in number to the second value of the survey template;

For at least the reason(s) described above, the Applicants respectfully submit that Von Kohorn does not teach or suggest the method of claim 31. Accordingly, independent claim 31 and all claims dependent thereon are in condition for allowance.

Conclusion

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance and request reconsideration of this application and an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

**Response to the Office action dated March 11, 2009
U.S. Serial No. 09/917,792**

The Commissioner is hereby authorized to refund any overpayment and charge any deficiency in the amount paid in connection with this paper or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the Applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

Respectfully submitted,

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